

**CITY COUNCIL MINUTES**  
**April 8, 2013**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, April 8, 2013 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

**ROLL CALL:**

**Present:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance is led by Councilman Weaver.

Fellow Councilmen and those in the audience, welcome to the April 8, 2013 meeting of the Common Council.

**TEEN ADVISORY COMMITTEE:**

Josh Pierre, Ben Walden, Emily Walden, Zach Bouchie and Josh Degenhart.

**COUNCIL ATTORNEY**

This evening Scott Danks is City Council Attorney.

**SERGEANT AT ARMS**

This evening Officer Pagett is Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES**

Is there a motion to approve the minutes of the March 25, 2013 meeting of the Common Council as written?

Councilwoman Mosby moved and Councilman Lindsey seconded the motion to approve the minutes of the regular meeting of the Common Council held March 25, 2013 as written. Voice vote. So ordered.

**REPORTS AND COMMUNICATIONS**

In Your April 5<sup>th</sup> Packet:

- \*City Council Meeting Agenda for April 8, 2013.
- \*Committee Meeting Schedule.
- \*City Council Meeting Minutes dated March 25, 2013.
- \*Ordinance F-2013-2 as amended.
- \*Ordinance G-2013-5 and Resolution C-2013-9.
- \*Rezoning Ordinances R-2013-6 and R-2013-7.
- \*Area Plan Commission Staff Reports and Meeting Minutes dated March 14, 2013.

**ON YOUR DESK THIS EVENING:**

- \*Financial Report for January 2013.
- \*Memo from Denise Johnson, Parks Department, on the Boilers

**President Robinson:** Can I have a motion to receive, file and make these reports and communications a part of the minutes of the meeting.

Councilman O'Daniel moved and Councilman Friend seconded the motion to receive file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2013-5 FINANCE FRIEND**

An Ordinance authorizing the City of Evansville, Indiana to issue its "Economic Development Revenue Note, Series 2013 (University of Evansville Project)" and approving and authorizing other actions in respect thereto

**RESOLUTION C-2013-9 FINANCE FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying, confirming, authorizing and approving an agreement between the City of Evansville Metropolitan Evansville Transit System (METS) and the Chauffeurs, Teamsters and Helpers Local Union No 215. (January 1, 2013 through December 31, 2015)

**ORDINANCE R-2013-6 TO APC R-2 TO C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 417, 419, 421, 423, 425, and 427 S. Evans Avenue

Petitioner: District of Evansville, Society of St. Vincent DePaul, Inc.

By: Carolyn Harmon, Vice President

Owners: (Same) by: Irma Williams, Church Trustee, Mavis Ellington, Finance Chair

Representative: Bernardin Lochmueller & Associates, Inc.

District: Connie Robinson, Ward 4

**ORDINANCE R-2013-7 TO APC M-3 TO R-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1021 Grove Street, Evansville, Indiana

Petitioner: Robert T. Rodgers

Owners: Same

Representative: Same

District: Al Lindsey, Ward 6

**President Robinson:** Is there a motion to adopt the Consent Agenda as written?

Councilman Adams moved and Councilman Weaver seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2013-3 Amended FROM APC CO-2 w/U&D Comm. to CO-1 w/U&D Com.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 11 Vann Avenue, Evansville, IN

Petitioner: Vicki L. Brasel

Owners: Same

Representative: Krista B. Lockyear, Attorney  
District: Dan McGinn, Ward 1

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 9 affirmative votes and 2 abstentions.

**ORDINANCE R-2013-4 FROM APC R-1 with Special Use to R-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 725 Windsor Avenue, Evansville, IN 47710

Petitioner: Lloyd Thomas and Nancy A. Mercer  
Owners: Same  
Representative: Same  
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval by the Area Plan Commission, having 11 affirmative votes.

**President Robinson:** Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilwoman Mosby moved and Councilman Lindsey seconded the motion to adopt the Consent Agenda and to accept the Area Plan Commission report. Voice vote. So ordered.

Council now stands at Third Reading of Zoning Ordinances, which is final action.

**Councilman Adams:** Madam President?

**President Robinson:** Yes.

**Councilman Adams:** I got an email from Krista Lockyear today that said that they wanted to...have you changed your mind? Excuse me.

**President Robinson:** Oh, she sat down.

**Krista Lockyear:** I was simply going to ask for the vote tonight (Inaudible).

**Councilman Adams:** Oh, okay. Then you did change your mind. Excuse me. I apologize.

**Krista Lockyear:** No, quite all right.

**President Robinson:** Okay, thank you. Okay.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2013-3 Amended FROM APC CO-2 w/U&D Comm. to CO-1 w/U&D Com.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 11 Vann Avenue, Evansville, IN

Petitioner: Vicki L. Brasel

**President Robinson:** This is your time.

**Krista Lockyear:** Thank you Madam President, members of the City Council. My name is Krista Lockyear, representing Vicki Brasel with her rezoning request. Although we have a favorable recommendation from Area Plan Commission, my client is still working with her architect and she really wanted to be able to show you her planned renovation to this building, which is the purpose for the rezoning.

And so we'd like to ask if you'd allow us to postpone the vote of this rezoning for one month so that we can come forward with full plans for you. We'll also have a vacation request that will be a little more ready at that point so it may make sense to have everything a little closer in time.

**Councilman Adams:** I make the motion that we delay that a month

**Councilman Friend:** Second

**President Robinson:** Councilman Adams moved and Councilman Friend seconded the motion to hold Ordinance R-2013-3 for one month (May13, 2013). Voice vote. So Ordered

**Krista Lockyear:** Thank you.

#### **REGULAR AGENDA**

#### **THIRD READING OF ZONING ORDINANCES**

#### **ORDINANCE R-2013-4 FROM APC R-1 with Special Use to R-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 725 Windsor Avenue, Evansville, IN 47710

Petitioner: Lloyd Thomas and Nancy A. Mercer

**President Robinson:** Okay. The petitioners are Lloyd Thomas and Nancy Mercer. Are they here?

Oh, could you come to the podium please. Could you state your name and address please.

**Lloyd T. Mercer:** My name is Lloyd T. Mercer and my home residence is 721 Radio Avenue

**President Robinson:** Okay, you want to give us a little information what you plan to do?

**Lloyd T. Mercer:** Yes Ma'am. We plan to take and split the house and two-car garage and make the unit, an apartment in the back and we'll make the house in the front is already there. We are doing that for...like single people, maybe a college student. We don't know who we're going to end up renting it to. It's going to be like a duplex...a fairly nice one.

**President Robinson:** Okay, it comes before us with a recommendation, positive recommendation. Is there anyone on Council that wants to speak on behalf of it or against it?

**Councilman O'Daniel:** I just have question. It just seems odd that there is such a large parking lot there...or driveway, (*Inaudible*). Was there something there before that that (*Inaudible*).

**Lloyd T. Mercer:** Yeah, okay. I believe it's a some kind of school for children that they had there for, I don't know, seven or eight years and that's the reason

*(Inaudible).*

**Lloyd T. Mercer:** Day Care, yes sir.

**President Robinson:** John, this is in your area. Have you received any phone calls on it?

**Councilman Friend:** No I have not received any...any complaints about it.

**President Robinson:** Is there anyone in the audience that would like to speak for or against it?

Can I have a motion to adopt Ordinance R-2013-4 and call the roll?

Councilman Adams moved and Councilman Lindsey seconded the motion to adopt Ordinance R-2013-4 and call the roll.

### **ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Robinson

**Absent:** Weaver

**President Robinson:** There being eight (8) Ayes and zero (0) Nays, Ordinance R-2013-4 is hereby declared adopted. Thank you Mr. Mercer.

**Lloyd T. Mercer:** Thank you Ma'am.

### **CONSENT AGENDA**

#### **SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2013-4      PUBLIC WORKS      O'DANIEL**

An Ordinance amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

**ORDINANCE F-2013-1      FINANCE      FRIEND**

An Ordinance to amend the Sewer Rates and Charges for the Town of Darmstadt

### **COMMITTEE REPORTS:**

#### **FINANCE COMMITTEE:**

#### **CHAIRMAN FRIEND**

**Councilman Friend:** Yes Madam President, this evening your Finance Committee met regarding to hear Ordinances F-2013-1, which comes forward with a do-pass recommendation, however, I held F-2013-2 and F-2013-3 until April the 22<sup>nd</sup>. Probably you need to set that for 5:00. April 22<sup>nd</sup>. Set that one at five...five...5:05 and the other one at 5:10.

**President Robinson:** Okay, thank you. Okay, Public Works Committee

#### **PUBLIC WORKS COMMITTEE:**

#### **CHAIRMAN O'DANIEL**

**Councilman O'Daniel:** Yes Madam President, your Public Works Committee met this evening to hear Ordinance G-2013-4 and it comes forward with a do-pass recommendation.

**President Robinson:** Thank you. Can I have a motion to adopt Committee Reports?

Councilwoman Mosby moved and Councilman Friend seconded the motion to adopt the committee Reports and move these Ordinances to Third Reading. Voice vote. So Ordered.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2013-4 PUBLIC WORKS**

**O'DANIEL**

An Ordinance amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

**President Robinson:** Is there a motion to adopt Ordinance G-2013-4?

Councilman Friend moved and Councilman Adams seconded the motion to adopt Ordinance G-2013-4 and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Robinson

**Absent:** Weaver

**President Robinson:** There being eight (8) Ayes and zero (0) Nays, Ordinance G-2013-4 is hereby declared adopted.

**ORDINANCE F-2013-1 FINANCE**

**FRIEND**

An Ordinance to amend the Sewer Rates and Charges for the Town of Darmstadt

**President Robinson:** Is there a motion to adopt Ordinance F-2013-1?

Councilwoman Mosby moved and Councilman Friend seconded the motion to adopt Ordinance F-2013-1 and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Robinson

**Absent:** Weaver

**President Robinson:** There being eight (8) Ayes and zero (0) Nays, Ordinance F-2013-1 is hereby declared adopted.

**MISCELLANEOUS BUSINESS**

**President Robinson:** There will not be a City Council Meeting next Monday, April 15, 2013. The next City Council meeting will be Monday, April 22, 2013 at 5:30 p.m. Committee Meetings will begin at 5:05 p.m. on April 22, 2013.

**President Robinson:** Okay, we have Connie Whitman.

**Connie Whitman:** Thank you y'all, I'm Connie Whitman, 1780 S. Norman here in Evansville and I just wanted to comment on the newspaper article from March 12<sup>th</sup> about the Ford Center finances. I just want to thank all of y'all who voted to, you know, to look into that. I...you know, the people are...that people are talking, like you said Dr. Adams and I don't know what

you've done about it because I missed the last meeting. I wasn't able to be here but just the things we read and the things we hear and things we know and then see this cartoon, which I thought was absolutely vile, talking about rumors and anonymous comments and everything and I know that people know things that they don't say where their source is right away until it's discounted. I just...kind of 8 million burning a hole in their pockets. They ought to tear down Roberts Stadium. People are just...people who live on less than \$10,000 a year...just kind of tired of being bossed around by appointed boards and things like that...people making 30, 40, 50, 60 thousand dollars a year and don't seem to appreciate that, you know, where their pay check comes from...from the taxpayers. That's just a...there are a lot of things. A lot of boards and ordinances that really bother me like control...cause there's just so many things so I just hope you all keep an open mind and keep listening to the people and know that I don't agree with everything y'all do but, you know, something like this, it gives me hope, you know that you're looking into things and I hope you just keep doing it.

There are some more things I want to put on your agenda in the future but I just...so much going on, I just don't have time but anyway, thank y'all cause you're my *(Inaudible)*

**President Robinson:** Thank you Ms. Whitman. Is there anyone else in the audience?

I guess we have a few other items to talk about. We did receive Jay Carter's resignation. I emailed to everyone over the weekend. Now we need to find a replacement because there are some important issues coming up with the Redevelopment Commission so we need someone to...another person in addition to Stan to represent us. Are there any nominations from the floor?

**Councilman O'Daniel:** I'd nominate Ms. Lowery Your Honor...or your...Madam President. I know that's she's expressed interest in the past and *(Inaudible)* I think there are a few people that have looked into her to make sure that she'd be a welcome addition to the ERC and I think she'd be appropriate.

**Councilman Friend:** I'll second that. I had the opportunity to talk to her tonight and I'll assure you everybody, she is a licensed CPA.

*(Laughter)*

**Councilman Friend:** I went out on her website today and I checked that she's not only...she's active, she's not inactive so...she appears to have...she was with Harding & Shymanski in 85 and was with them all the way up to 2003. Now that's a long stand at public accounting and trust me, she's well-seasoned at that rate. So with a MBA, she also has a CGMA which is a...it means that's she has dealt with industry as well. *(Inaudible)* and with an MBA she'd be, I think, a pretty good choice. It's my opinion.

**Councilman O'Daniel:** It strikes me with the accounting background and all the things that ERC does with regards to the money and finances, it would be a little bit different mix on there from what they currently have.

**Councilman Adams:** As I mentioned earlier today, I think she's a member of a the College of Healthcare Executives, a very prestigious group, and I also think she's going to marvel, trust me.

**President Robinson:** She is currently I think the CFO and controller of the Evansville Surgery Center, is that not correct?

**Councilman Friend:** Yes, that's correct.

**President Robinson:** Okay, can I have a motion to appoint...and that term would be...we appoint them on a yearly basis so it would be until the end of December of 2013.

You know, okay, so I have a motion from Councilman O'Daniel and I think Councilman Friend seconded it. Voice vote. So ordered.

Okay Councilman Friend, would you get in touch with...

**Councilman Friend:** Sure.

**President Robinson:**...Pat Lowery. And Stan, when's the next meeting?

**Stan Wheeler:** Laura, you need to swear her in quick because it's Wednesday at 9:00. It's about the hotel.

**President Robinson:** Okay, Wednesday at 9:00. Okay, hopefully she's watching television, if not, I'm sure John will call her and let her know.

Did you tell her the meetings are in the morning?

**Councilman Friend:** I tried to call her and she...got her voicemail but I'm assuming she'd be okay with that.

**President Robinson:** Okay, thank you.

Is there anything else to come before Council tonight?

Can I have a motion for adjournment?

**Councilman Friend:** So moved.

**President Robinson:** I'm trying to get you guys to the basketball game but I forgot I need committee reports.

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

Re: Ordinance F-2013-3

Date: April 22, 2013

Time: 5:05 p.m.

Notify: Lisa Angermeier, DMD

**CHAIRMAN JOHN FRIEND**

Repeal, Re-appropriations and additional appropriations within a city department (DMD)

Re: Ordinance F-2013-2 as amended

Date: April 22, 2013

Time: 5:10 p.m.

Notify: Russell G. Lloyd, Controller

Transfer of Appropriations and additional appropriation, and repeal and re-appropriation of funds



**Councilman Friend:** That might be reversed but that's the way it shows up.

Re: Ordinance G-2013-5  
Date: April 22, 2013  
Time: 5:15 p.m.  
Notify: Ted Ziemer/Jeff Wolf

Authorizing Economic Development Bonds  
(University of Evansville Project)

Re: Resolution C-2013-9  
Date: April 22, 2013  
Time: 5:20 p.m.  
Notify: George Fithian/Carol McMichael

Approving an Agreement between the City  
of Evansville and the METS, Chauffeurs, Teamsters  
and Helpers Local Union No. 215.

**PUBLIC WORKS COMMITTEE:**  
Nothing scheduled at this time.

**CHAIRMAN O'DANIEL**

**A.S.D. COMMITTEE:**  
Nothing scheduled at this time.

**CHAIRWOMAN RILEY**

**President Robinson:** And then I also hope that everyone was able to get in touch with Marianne Cox in the Mayor's office and set up an appointment for tomorrow, if you have that time.

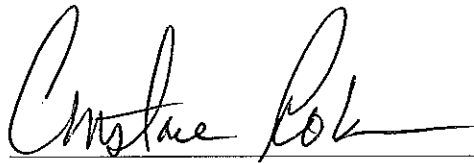
### **ADJOURNMENT**

**President Robinson:** Can I have a motion for adjournment?

Councilwoman Mosby moved and Councilman Friend seconded the motion to adjourn.  
Voice Vote. So Ordered.

Meeting adjourned at 5:50 p.m.

  
\_\_\_\_\_  
Laura Brown, City Clerk

  
\_\_\_\_\_  
Constance Robinson, President